



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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[www.berlinmd.gov](http://www.berlinmd.gov)



## Mayor

Wm. Gee Williams, III

## Vice President

Elroy Brittingham, Sr.

## Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

## BERLIN, MARYLAND

## MAYOR AND COUNCIL MEETING

## Town Attorney

David Gaskill

**MONDAY, JUNE 27, 2011**

## Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL**

**10 WILLIAM STREET**

**BERLIN, MD 21811**

EXECUTIVE SESSION .....NONE SCHEDULED

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144*

*TTY users dial 7-1-1 in the State of Maryland*

*TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, June 27, 2011**

**NO EXECUTIVE SESSION TO BE HELD**

**7:00 PM      REGULAR SESSION – Berlin Town Hall Council Chambers**

1.      Approval of the Minutes for:  
        Regular Session of the Mayor and Council on June 13, 2011
2.      Presentation: JoAnne Throwe – University of Maryland Environmental Finance  
         Center Stormwater Pilot Program
  - a.      Motion to Approve
3.      Presentation: Dwight Davis - Authorization for Booth & Associates commencing July  
         1, 2011 to file a rate case with the Public Service Commission.
  - a.      Motion to Approve
4.      Request for Special Event – Berlin Chamber of Commerce  
         Bathrhub Races/2<sup>nd</sup> Friday – July 8, 2011; 5:00 p.m. to 8:00 p.m.
5.      Request for Special Event – Berlin Chamber of Commerce  
         Fiddlers Convention – September 23<sup>rd</sup> – 25<sup>th</sup>, 2011
6.      Request for Special One Day Permit and Approval of Special Event – Berlin  
         Chamber of Commerce  
         Oktoberfest – October 15, 2011; 11:00 a.m. to 4:00 p.m.
7.      Request for Special Event – Gabe Purnell  
         Charles Tindley Festival – September 17, 2011
8.      Motion to Approve - Grease Trap (Trapper II PATG-2025) for Baked Dessert Café
9.      Motion to Approve – Application for 1 additional EDU at Cottages at Berlin for  
         Community Center
10.     Motion to Approve – Utility Easement Agreement for Cottages at Berlin
11.     Correction to Town Standards, Pg 1-8, 1.14 A  
         Change wording from 300 gpd/EDU to 250 gpd/EDU sewer allocation calculation
  - a.      Motion to Approve
12.     Motion to Approve – Nature Trail and Pond at Stephen Decatur Park  
         Purchase and installation of 5 signs
13.     Motion to Approve – Proposal for Publication of the Charter and Code

14. Departmental Reports
  - a. Finance – Lynn Musgrave
  - b. Deputy Town Administrator – Mary Bohlen
  - c. Water Resources – Jane Kreiter
  - d. Electric – Tim Lawrence
  - e. Police – Arnold Downing
  - f. Planning and Zoning – Chuck Ward
  - g. Human Resources – Jeff Fleetwood
  - h. Economic and Community Development – Michael Day
15. Town Administrator's Report
16. Comments from the Mayor
17. Comments from the Council
18. Comments from the Public
19. Comments from the Press
20. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, June 13, 2011

The meeting of the Mayor and Council for Monday, June 13, 2011 was called to order by Mayor Williams at approximately 7:02 p.m. Council members Lynch, Purnell, Hall and Burrell were present, as well as Town Administrator Tony Carson, Electric Utility Director Tim Lawrence, Planning and Zoning Director Chuck Ward, Administrative Assistant Sharon Timmons, Human Resources Director Jeff Fleetwood, Economic and Community Development Director Michael Day, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons, Police Chief Arnold Downing, Town Attorney David Gaskill, Deputy Town Administrator Mary Bohlen and Water Resources Director Jane Kreiter. Vice President Brittingham was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Regular Session minutes of May 23, 2011. Councilmember Lynch made a motion to approve and council voted unanimously to approve 4-0 with 1 absent.

Susan Taylor and Sandy Dewey came before the council requesting approval for the event known as the Berlin Peach Festival to be held on August 14<sup>th</sup> from 12 noon to 6:00 pm. Ms. Taylor requested the Town supply trash cans, extra picnic tables, electric service for food vendors and 2 portable toilets. Mayor Williams asked the Peach Festival committee to coordinate their activities with the Main Street Program and the Berlin Chamber of Commerce. Councilmember Purnell made a motion to approve the event and council voted to approve 4-0 with 1 absent.

Ms. Leshell Fooks of the Citadel of Power and Praise International Ministries came before the council to request approval and the waiver of fees associated with rental of Henry Park on Friday evenings and Sunday mornings for a street church service. Discussion continued asking Ms. Fooks to amend her request to one weekend a month and specific times to allow other organizations and/or persons use of the park. After further discussion, Ms. Fooks stated that the dates and times would be as follows: the Fridays of June 17<sup>th</sup>, July 15<sup>th</sup> and August 19<sup>th</sup> from 6:00 p.m. to 8:30 p.m. and on the Sundays of June 19<sup>th</sup>, July 17<sup>th</sup> and August 21<sup>st</sup> from 9:30 a.m. to 1 p.m. Councilmember Burrell made a motion to approve use of Henry Park on the dates and times requested and council voted to approve 4-0 with 1 absent. Discussion continued on the request of Ms. Fooks to waive the fees associated with rental of the park. Mayor Williams asked the council to consider waiving the fees on a conditional basis, if the park is not left in satisfactory condition, then the organization will have to pay the rental fees. Councilmember Burrell made a motion that the fees be waived entirely with the condition that the parks are cleaned up after each event. Mayor Williams requested that Public Works Director Mike Gibbons check the park after each event and report back. Council voted to approve 3-1 with Councilmember Lynch opposed.

Mr. Roman Jesien of Maryland Coastal Bays gave a powerpoint presentation regarding the awarding of a grant from the Department of Natural Resources Trust to the Town in the amount of \$129,000.00 involving the Stormwater restoration of the Hudson Branch. Councilmember Burrell stated his concerns regarding some of the restoration ideas since there is a current flooding problem in the area now and he felt it may intensify the situation. Discussion continued. Councilmember Hall made a motion to authorize the Mayor to sign the grant from the Department of Natural Resources in an amount of \$129,000.00 and council voted 3-1 to approve with Councilmember Burrell opposed.

Mayor Williams explained the Main Street re-paving project by the State Highway Administration to begin on June 19<sup>th</sup>. The paving project will begin at the intersection of Baker Street and Main Street and go south along Main Street to end at Route 113. The State Highway Administration will replace all crosswalks and install handicap accessible ramping at the crosswalk areas. Discussion continued on the preference of times to have the work done, being either from 7:30 a.m. to 5:00 p.m. or from 7:30 p.m. to 5:00 a.m. and how it may affect the businesses and/or

residents. Councilmember Purnell made a motion to have the paving work done from 7:30 p.m. to 5:00 a.m. beginning on Sunday, June 19<sup>th</sup> and council voted 4-0 to approve with 1 absent.

Mr. John Schuster from SIS Properties LLC and Mr. Aaron Goller from Davis, Bowen & Friedel came before the council. Councilmember Purnell recused himself and left the dias. Mr. Schuster requested an exception to the Town Standards from a 2 inch water service line to a 1/14" water service line and 1" meter for the project known as the Cottages at Berlin pending the approval of the Fire Marshall. Mr. Goller stated that DBF took no exception to the request. Discussion continued on the opinions of Mr. Schuster's engineering firm J.W. Salm and on the water pressure in that area of town. Councilmember Hall made a motion not to approve the exception and council voted 2-1 in favor with Councilmember Hall opposed. Since there were not 3 affirmative votes, the vote is not considered valid. Mayor Williams informed Mr. Schuster he could re-apply for the exception at the next meeting in two weeks. Councilmember Purnell returned to the dias.

Town Administrator Tony Carson explained the text changes to Ordinance 2009-02 "Water and Sewer Allocation Agreement" for clarification purposes. The first change to be implemented is on Page 5, Chapter 102.18.6, Section C, deleting "Berlin Utility Commission" and inserting Berlin Town Administrator and Director of Water Resources. The second change is on Page 6, Chapter 102.18.6, Section G, adding the words "For projects where there is no existing town water and sewer utility services in place" at the beginning of the paragraph and Section H, adding the words "For projects where existing town water and sewer utility services are in place" at the beginning of the paragraph. Page 8 shows a reference to the Berlin Utility Commission and will be replaced by Town Administrator and Director of Water Resources. Councilmember Lynch made a motion to approve the changes, subject to removing the BUC on page 8 and council voted 4-0 to approve with 1 absent.

Electric Utility Director Tim Lawrence explained the process for the bidding of the Induction Street Lighting project. This project will remove the 290 low pressure sodium lights throughout town and replace them with a 70 watt induction light. The monies for this project will come from the bond proceeds from DHCD. Mr. Lawrence requested that the council award the bid to Capital Tristate for an amount of \$64,506.00. Councilmember Burrell made a motion to approve awarding the Induction Street Lighting Bid to Capital Tristate for an amount of \$64,506.00 and council approved 4-0 with 1 absent. Councilmember Burrell made a motion to approve PO# 2011002174 associated with the contract.

Public Works Director Mike Gibbons explained the need for the motion to approve the installation of a sign at the intersection of Jefferson and Gay Street to Washington Street which states "No Truck Traffic". Discussion followed. Councilmember Hall made a motion to approve the installation of the "No Truck Traffic" sign at the approved site and council approved 4-0 with 1 absent.

Departmental reports began with Deputy Town Administrator Mary Bohlen reporting the Town would be soliciting bids for Energy Improvement Grants to be used for lighting improvements at Planning and Zoning, Town Hall and the Police department including weather sealing and replacement doors.

Public Works Director Mike Gibbons gave an update on the capital improvements for FY12. They are in the process of obtaining 3 bids for the siding of the Multipurpose building, preparing the scope for the 9000 square feet of sidewalk work to be completed on Cedar, Flower, Grace, Jefferson, Washington and West Branch Streets and the asphalt work from Washington Street to South Main Street.

Water Resources Director Jane Kreiter reported that training would be taking throughout town with the new camera truck. She reported that the wells throughout town had been checked and there were no problems.

Electric Utility Director Tim Lawrence reported that the Power Plant had generated on June 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> and that one of these days would be used as one of the five peak days required by the Public Service Commission. He

reported on the employee flagger training class and explained the cause of the electric outage which occurred on Sunday, June 5<sup>th</sup>.

Police Chief Arnold Downing reported that the events surrounding the Memorial Day weekend went well and no problems had occurred. He stated that his department would be continuing to show their presence throughout town to discourage any possible incidents. He stated that the department would be working with Worcester Family and Youth this summer.

Human Resources Director Jeff Fleetwood reported that the Public Works department had hired 2 seasonal employees and Water Resources had hired 1 seasonal employee. He stated to the council that PO# 2011002208 has inadvertently been assigned for an expense that should be in the FY12 budget.

Economic and Community Development Director Michael Day reported that the Berlin Chamber of Commerce had moved to their new location at 14 S. Main Street. He spoke of the various meetings he would be attending in the next few weeks.

Town Administrator Tony Carson reported that the Town had received the Banner City recognition from the Maryland Municipal League for the 2<sup>nd</sup> year in a row. He acknowledged Administrative Assistant Sharon Timmons regarding the savings negotiated in purchasing 3 new multifunctional copiers. He then requested approval of 13 purchase orders (2011002022, 2011001967, 2011002025, 2011002077, 2011002133, 2011002152, 2011002204, 2011002191, 2011002213 and 2011002239 and three PO's yet to be assigned for FY12). Councilmember Hall made a motion to approve all 13 purchase orders and council voted unanimously to approve 4-0 with 1 absent.


Mayor Williams asked for the council to consider a work session to be held on July 18<sup>th</sup> at 6:00 p.m. to discuss rental properties related to codes, regulations, inspections and policies. Councilmember Lynch suggested that the council also address other properties throughout town which are not rentals, but are problem areas. Council agreed by consensus to hold a work session on the date mentioned. He stated that he had attended the sign up for the summer program offered by Worcester Youth and Family at Henry Park and that 14 spots had been filled and the 2 week summer session was receiving a positive response.

Mayor Williams asked for questions from the council. Councilmember Burrell inquired about a pavement area on Flower Street near pole #8 that needs patching attention. He enthusiastically spoke of the on-line bill pay system.

Mayor Williams asked for comments from the public. A resident from the audience inquired about an explosion on May 31<sup>st</sup> which caused his lights to go out for a short period of time. Mr. Lawrence stated he was not aware of the incident, but would investigate.

Mayor Williams asked for questions from the press, there being none, Councilmember Burrell made a motion to adjourn and the meeting ended at 9:55p.m.

Respectfully submitted,

  
Sharon Timmons  
Administrative Assistant

**TOWN ADMINISTRATOR'S REPORT**  
**6-27-11**

**Purchase Orders**

PO# 2011002051 in the amount of \$1592.25 to Racetrack Auto Center for replacement of transmission of Police car #6738.

PO# 2011002309 in the amount of \$1,188.00 to Crime Reports for Annual Subscription Crimereports.com.

PO# 2011002311 in the amount of \$1,500.00 to University of Maryland Capital Wireless Info Net for annual subscription to CapWIN.

PO# 2011002310 in the amount of \$2,170.50 to Harris Corporation for annual Radio Maintenance Contract.

PO# 2011002361 in the amount of \$1,105.00 to Tee Pee LLC for façade grant match.

PO# (to be assigned) in the amount of \$1,800.00 to Sun Signs for purchase and installation of 5 nature trail signs. Budgeted in FY12.

PO# 2011002370 in the amount of \$12,450.00 to Municipal Code Corporation for code publication.

**Updates**